

FILED

OCT 02 2007

RICHARD W. WILSON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS ABEYTA,

No. C 06-3005 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

vs.

JAMES A. YATES, Warden,

Respondent..

This is a habeas case filed pro se by a petitioner who was a prisoner at Pleasant Valley State Prison. Mail sent to him there, which is the most recent address he has provided, has been returned with a notation that it is undeliverable because petitioner is no longer there. Petitioner has not notified the clerk of any change of address.

More than sixty days have passed since the mail was returned. This case is **DISMISSED** without prejudice. See Local R. 3-11(b).

IT IS SO ORDERED.

Dated: October 1, 2007.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DENNIS ABEYTA,

Plaintiff,

v.

JAMES A YATES, WARDEN et al,

Defendant.

Case Number: CV06-03005 WHA

CERTIFICATE OF SERVICE

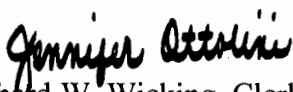
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 2, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dennis Abeyta
V-09994
Pleasant Valley State Prison
PO Box 8501
Coalinga, CA 93210

Joan Killeen
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

Dated: October 2, 2007


Richard W. Wicking, Clerk
By: Jennifer Ottolini, Deputy Clerk